

REMARKS

In response to the non-final Office Action dated September 12, 2007, Applicant submits the following response and amendment, due December 12, 2007. Applicant has amended the claims and canceled claims 3, 7-13, 16-19 and 21-42, and added new system claims 43-50, corresponding to amended method claims 1, 2-6, 12-14 and 20, to solely to further prosecution. Thus amended claims 1, 2-6, 12-14, 20 and new claims 43-50 are pending in this application.

The Examiner on page 2 objects to the title. To further prosecution Applicant has amended the title to be clearly indicative of the claims as suggested by the Examiner.

The Examiner on pages 2-3 rejects claims 4-21 and 25-42 under 35 USC section 112, second paragraph, for indefiniteness, such as the use of various steps for enabling entities to perform with out reciting any specific steps. To further prosecution, Applicant has canceled claims 3, 7-13, 16-19 and 21-42, and added new system claims 43-50, corresponding to amended method claims 1, 2-6, 12-14 and 20, to recite actual steps performed. Reconsideration and withdrawal of this rejection is requested.

The Examiner on pages 4-5 rejects claims 2-10, 15-20, 23-31 and 36-41 under 35 USC section 101 as directed to non-statutory subject matter, where the use of the terms "any" or "anything" or "desired" render the claims to cover every substantial practical application, that is not considered statutory subject matter.

To further prosecution, Applicant has canceled claims 3, 7-13, 16-19 and 21-42, and added new system claims 43-50, corresponding to amended method claims 1, 2-6, 12-14 and 20, to recite actual steps performed that do not recite the objected to open terms. Reconsideration and withdrawal of this rejection is requested.

On pages 4-8 of the Office Action, the Examiner rejects all of the prior pending claims 1-42 as unpatentable over Manchester (US 2003/0204470) citing Manchester at: page 1, p.0009; page 2, p. 0017; page 1, paragraph 0012 to page 2, paragraph 0024; in view of Postrel (US 2005/0021400), page 8, para. 0081; page 3, para. 0032 and page 6, para. 0066; page 2, paragraphs 021-0022; 0029.

Manchester (2003) citations:

The dual credit card system is in two parts: a) the creation of a dual credit card and b) the usage of a dual credit card. The creation begins with the receipt of an application by the merchant for a dual credit card. The issuing organization determines the interest rate and the credit line and issues the dual credit card to applicant. This is a combined private label and bankcard product with one interest rate and one credit line. That credit line will have a portion which is available only at the merchant's location. The issuer will determine that single credit line and the interest rate. [page 1, p. 9]

FIG. 1 illustrates the flow diagram of a customer's acquisition of a dual credit card **10**. A prospective credit card customer applies for the dual credit card **12** at a merchant issuing/sponsoring a private label credit card. The dual card will be a bankcard branded with the merchant's name and will appear like a bankcard such as (VISA®, MasterCard®, DISCOVER® or other "general purpose" credit cards). The applicant provides personal, credit and employment information to the dual credit card issuer. Based upon the information supplied, the financial institution issuing the bankcard assigns a credit limit and/or an interest rate **14** and issues the credit card **16** to the applicant. A key element is that the dual credit card issuer is a cooperating financial institution that is issuing the dual credit card as a bankcard for non-merchant sales and a private label credit card for in-merchant sales. [page 2, p. 17]

Since the bankcard back office operation is processing both private-label purchases and bankcard purchases for the dual card user, cardholder statements may include merchant promotion material as well as normal operational customer service matters for both the merchant channel as well as the bankcard channel. The customer service functions may include normal customer service matters as well as collections and settlement issues. [page 1, p. 12]

The advantages of such a dual credit card system for the private label merchant is that the customers have one card that can be used in two ways. One way as a private label credit card

that provides the private label credit card merchant with a means to provide marketing information to his customers and to ensure that a portion of the credit line is protected for in store purchases. The second way is the use of a recognized brand name card with a potential for lower credit card interchange than a standard bankcard or charge card. The promotional capabilities of a dual credit card are useful to both the merchant and the consumer. [page 2, p. 24]

Manchester thus discloses a “dual” bank card that “is a combined private label and bankcard product with one interest rate and one credit line”, that is purchased from a credit card merchant and provides a credit card with the credit card merchant name, may be used by user with potential lower interchange fee, and where the statements may have merchant credit card name promotional material.

Manchester does not suggest the presently claimed invention that provides a method and system for generating product or service account applications from a promoter for a product or service offering entity in exchange for advertisements by the promoter, where the promoter is not a credit card merchant and the promoter and offering entity are not the same. In particular, Manchester teaches that the credit card merchant is the promoter and where the promoter is the same as the service offering entity. Accordingly, Manchester fails to teach or suggest the presently claimed method or system.

Postrel (2005) Citations:

The trading server may also be contacted in response to a button or hyperlink located on a web page accessible by the user from the airline reward server (FIG. 10, steps 1000 and 1002). The process may continue to that described with respect to FIG. 6 for trading points into a reward exchange account (step 1004). In a similar manner, hyperlinks or calling routines may allow a user to access a reservations system or merchant from the trading server. The link would direct the user to partner or associated air carriers where the points in a user exchange account on the trading server 20 may be used to acquire hotel accommodations, special offers, reduced fare or free flights. [page 8, p. 81]

A default account may be assigned so that when a user presents the smart card to a POS terminal, that default account is used unless another is specified. The default account to be used (e.g. CITIBANK VISA) may depend on the purchase involved, or upon the merchant with which the card is being used. For example, the card may be programmed to use the CITIBANK VISA application **1106** whenever the user presents the card at a supermarket, but the card may be programmed to switch to the AMERICAN EXPRESS application **1108** when the card is presented at a gas station. These default scenarios may be stored on the card in the user profile **1104**, which may be changed by a user as described further herein. Of course, these defaults may be overridden by the user if so desired at the point of sale. [page 3, p. 32]

A user profile may be stored in the smart card. The user profile would contain various information regarding the user, including but not limited to any or all of the following types of information: name, address, social security number, age, gender, income, demographics, psychographics, biometrics, names of various rewards accounts, passwords, prior purchase history including details of transactions executed, and preferences. Preferences may indicate which accounts on the smart card that the user would prefer to utilize in certain situations as mentioned above; e.g. use the VISA application at supermarkets but use the AMERICAN EXPRESS application at gasoline stations. Preferences may also indicate how the user would like to utilize reward accounts; e.g. he would prefer to pay for an item with 50% points and 50% credit, or he would prefer to pay for business expenses with credit only and personal expenses with points only, etc. These user preferences may be modified and accessed by the user when the smart card is inserted into an appropriate reader or terminal as known in the art. These user preferences may also be utilized by the various applications stored in and executed by the smart card as required. For example, when the user swipes the smart card to pay for gasoline, an the purchase application may check the user profile to determine (1) which account to use unless otherwise specified, (2) how to pay for the item, e.g. with points and/or credit, etc. [page 6, p. 66]

Postrel thus discloses a user profiled credit/miles card that allows a user to define how purchases are designated to be used by alternative credit cards or to be made using miles and/or the corresponding credit card.

Manchester in combination with Postrel also does not suggest the presently claimed invention that provides a method and system for generating product or service account applications from a promoter for a product or service offering entity in exchange for advertisements by the promoter,

where the promoter is not a credit card merchant and the promoter and offering entity are not the same. In particular, Manchester teaches that the credit card merchant is the promoter and where the promoter is the same as the service offering entity. Postrel teaches that a purchase can be made using alternative credit cards accounts or with miles. Accordingly, Manchester, alone or in combination with Postrel, fails to teach or suggest the presently claimed method or system.

The Examiner thus improperly asserts that Manchester discloses a system and method comprising (a) distributing applications containing a promoter code to users and receiving/processing completed applications; (b) establishing an account for a user based on the application and promoter code; and (c) sending mentions/advertisements to the user based on the promoter code. The Examiner further improperly asserts that Postrel discloses a similar system and method where a database has been established for storing information/advertisements to send to users of credit cards based on sponsor.

As shown in detail above, Manchester teaches that the credit card merchant is the promoter and where the promoter is the same as the service offering entity. Postrel teaches that a purchase can be made using alternative credit cards accounts or with miles. Accordingly, Manchester, alone or in combination with Postrel, fails to teach or suggest the presently claimed method or system.

Reconsideration and withdrawal of this rejection is requested.

Applicant respectfully requests entry of this amendment, and allowance of the present application.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Ronald J. Rosenberger".

Ronald J. Rosenberger
Applicant

Date: December // , 2007